

**Amendment No. 1 to SB3477**

**Cooper**  
**Signature of Sponsor**

**AMEND Senate Bill No. 3477****House Bill No. 3145\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-702, is amended by adding the following new subdivision:

(6) "Traveling sales crew worker" means an individual who:

(A) Is employed as a salesperson or in related support work;

(B) Travels with a group of sales persons, including a supervisor;

and

(C) Is required to be absent overnight from his or her permanent place of residence.

"Traveling sales crew worker" does not include:

(A) Any individual who meets the requirements above if such individual is traveling to a trade show or convention;

(B) Any immediate family member of a traveling sales crew employer; or

(C) Any individual who sets up a temporary residence in the community with the intent to stay for longer than thirty (30) days.

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, Part 7, is amended by adding Sections 3-5 as new, appropriately designated sections.

SECTION 3.

(a) Any person or business entity shall initiate a criminal background check on any person who is employed or engaged as a traveling sales crew worker by such person or business entity, prior to or within seven (7) days of

employment or provision of services. Any person who applies for employment as a traveling sales crew worker shall consent to:

(1) Provide past work and personal references to be checked by the person or business employing such person;

(2) Agree to the release of any and all information and investigative records to the employer or its agent, or to any agency that contracts with the state of Tennessee, necessary for the purpose of verifying whether the individual has been convicted of a felony in this state;

(3) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, other law enforcement agency, or any legally authorized entity; and

(4) Release any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry.

(b) Any costs incurred by the Tennessee bureau of investigation, professional background screening organization, law enforcement agency, or other legally authorized entity, in conducting such investigations of such persons shall be paid by the person, business or any agency that contracts with the state of Tennessee requesting such investigation and information. Payments of such costs to the Tennessee bureau of investigation are to be made in accordance with the provisions of §§38-6-103 and 38-6-109.

#### SECTION 4.

(a) Prior to conducting business in a county, a person or business entity engaging a traveling sales crew worker shall obtain a traveling sales crew worker permit from the clerk of such county once the requirements of Section 3 have been met.

(b) The person or business entity desiring to employ or engage a traveling sales crew worker shall furnish proof of the identity and permanent address of all traveling sales crew workers to the satisfaction of the county clerk, and shall provide detailed descriptions of any motor vehicle that will be used in conducting business in the county. Proof of identity shall include the driver license number of any person who will be using a motor vehicle for such sales. The description shall include the state of registration of such motor vehicle and the license plate number assigned thereto.

(c) The person or business entity shall also furnish to the county clerk the report obtained pursuant to Section 3. The person or business entity shall also provide the county clerk with information specifying the dates and times during which such activity shall be conducted in the county.

(d) The county clerk shall charge a fee of fifty dollars (\$50.00) for issuing a traveling sales crew worker permit, which shall be valid for the dates and times specified. The county clerk shall also provide the sheriff of the county a copy of each home solicitation sales permit issued.

(e) A traveling sales crew worker shall have a copy of the permit issued by the county clerk available for presentation during the time the seller is conducting home solicitation sales in such county.

(f)

(1) It is an offense for any traveling sales crew worker who has been convicted of a felony to operate in Tennessee.

(2) A violation of this subsection is a Class A misdemeanor.

SECTION 5. Violations of any of the provisions of this act shall be deemed to be an unfair or deceptive practice as provided in §47-18-104, and shall be punishable as a Class B misdemeanor pursuant to §47-18-104(a).

SECTION 6. Tennessee Code Annotated, Section 47-18-104(b), is amended by deleting the language "and" at the end of subdivision (39) and by deleting the period (.)

at the end of subdivision (40) and substituting instead the language "; and", and by adding the following language as an appropriately designated subdivision:

( ) Conducting traveling sales crew worker activity without a traveling sales crew worker permit, or falsifying information on a traveling sales crew worker permit application.

SECTION 7. This act shall take effect July 1, 2006, the public welfare requiring it.